



## INTERIOR BOARD OF INDIAN APPEALS

Estate of Myrna Ann Lacayo

54 IBIA 296 (04/03/2012)



United States Department of the Interior

OFFICE OF HEARINGS AND APPEALS  
INTERIOR BOARD OF INDIAN APPEALS  
801 NORTH QUINCY STREET  
SUITE 300  
ARLINGTON, VA 22203

ESTATE OF MYRNA ANN LACAYO        )  
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Order Docketing and Dismissing Appeal  
  
Docket No. IBIA 12-053  
  
April 3, 2012

Clyde Richard Fanning (Appellant) appealed to the Board of Indian Appeals (Board) from a Modification to Add and Distribute Omitted Property entered on December 22, 2011, by Administrative Law Judge (ALJ) Thomas F. Gordon in the estate of Myrna Ann Lacayo (Decedent).<sup>1</sup> Appellant challenged the ALJ's decision not to reopen an October 23, 2007, Order Granting Petition for Rehearing [and] Modifying Order, in which ALJ Steven R. Lynch concluded the Decedent and Appellant were divorced when Decedent died and therefore Appellant is not an heir.

As a preliminary matter, the Board ordered Appellant to complete service of his appeal on ALJ Gordon and other interested parties, as required by 43 C.F.R. §§ 4.310(b) and 4.323, and to notify the Board that he had done so. The Board set a deadline of February 27, 2012, for Appellant to comply with the Board's order, and advised Appellant that if he failed to comply with or to respond to the Board's order, his appeal might be dismissed without further notice.

The U.S. Postal Service's Track-and-Confirm service on its website indicates that the Board's order was delivered on February 2, 2012.

The Board has received no response from Appellant.

<sup>1</sup> Decedent, a Coeur d'Alene Indian, was also known as Myrna Ann George. The probate number assigned to Decedent's case in the Department of the Interior's probate tracking system, ProTrac, is No. P000001263IP.

Therefore, pursuant to the authority delegated to the Board of Indian Appeals by the Secretary of the Interior, 43 C.F.R. § 4.1, the Board docketed but dismisses this appeal for failure to prosecute.

I concur:

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// original signed  
Steven K. Linscheid  
Chief Administrative Judge

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// original signed  
Debora G. Luther  
Administrative Judge